

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

SPENCER NEAL, on behalf of himself  
and all others similarly situated,

Plaintiff,

vs.

GLP CAPITAL, L.P.,

Defendant.

CASE NO.:

JUDGE:

**PLAINTIFF'S COMPLAINT FOR  
INJUNCTIVE RELIEF AND  
DAMAGES:**

**1ST CAUSE OF ACTION:** For Denial of  
Access by a Public Accommodation in  
Violation of the Americans with Disability  
Act of 1990 ("Title III" and "ADA"),  
42 U.S.C. §§ 12181 *et seq.*

**2ND CAUSE OF ACTION:** For Denial of  
Access by a Public Accommodation in  
Violation of Ohio Revised Code 4112.02, *et  
seq.*

**3RD CAUSE OF ACTION:** For Denial of  
Access by a Public Accommodation in  
Violation of Ohio Administrative Code  
4101:1-11, *et seq.*

Plaintiff SPENCER NEAL, on behalf of himself and all other similarly situated persons  
with mobility disabilities, hereby Complains of Defendant GLP CAPITAL, L.P., and alleges as  
follows:

**INTRODUCTION:**

1. This is a civil rights action for discrimination against persons with physical  
disabilities, of which plaintiff NEAL is a member of, for failure to remove architectural barriers  
structural in nature at Defendant's HOLLYWOOD CASINO, a place of public accommodation,  
thereby discriminatorily denying plaintiff access to, the full and equal enjoyment of, opportunity  
to participate in, and benefit from, the goods, facilities, services, and accommodations thereof.  
NEAL, on behalf of himself and all others similarly situated, seeks injunctive relief and damages

1 pursuant to the Americans with Disability Act of 1990 (“title III” AND “ADA”), 42. U.S.C. §§  
2 12181 *et seq.*; Ohio Revised Code § 4112.02, *et seq.*; and Ohio Administrative Code § 4101:1-  
3 11, *et sec.*

4  
5 2. NEAL is a person with physical disabilities who, on or about January 30, 2020  
6 and August 19, 2020, was an invitee, guest, patron, or customer at HOLLYWOOD CASINO, in  
7 the City of Columbus, Ohio. At said time and place, Defendant failed to provide proper legal  
8 access to HOLLYWOOD CASINO, which is a place of public accommodation and/or a public  
9 facility. The denial of access was in violation of both federal and Ohio legal requirements, and  
10 NEAL suffered violations of his civil rights to full and equal access and was embarrassed and  
11 humiliated.  
12

13 **JURISDICTION AND VENUE:**

14 3. **Jurisdiction:** This Court has jurisdiction of this action pursuant to 28 U.S.C.  
15 §1331 for violations of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, *et seq.*  
16 Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the same  
17 nucleus of operative facts and arising out of the same transactions, are also brought under  
18 parallel Ohio law, whose goals are closely tied with the ADA, including but not limited to  
19 violations of Ohio Revised Code § 4112.02, *et seq.*; and Ohio Administrative Code § 4101:1-11,  
20 *et sec.*  
21

22 4. **Venue:** Venue is proper in this court pursuant to 28 U.S.C. §1391(b) and is  
23 founded on the facts that the real property which is the subject of this action is located in this  
24 district at/near 200 Georgesville Road, in the City of Columbus, County of Franklin, State of  
25 Ohio and that NEAL’s causes of action arose in this district.  
26

27 **PARTIES:**

1           5. NEAL is a “physically handicapped person,” a “physically disabled person,”  
2 and a “person with physical disabilities.” (Hereinafter the terms “physically disabled,”  
3 “physically handicapped” and “person with physical disabilities” are used interchangeably, as  
4 these words have similar or identical common usage and legal meaning.) NEAL is a “person  
5 with physical disabilities,” as defined by all applicable Ohio and United States laws. NEAL  
6 requires the use of a wheelchair to travel about in public. Consequently, NEAL is a member of  
7 that portion of the public whose rights are protected by the provisions of Ohio Revised Code §  
8 4112.02, *et seq.* and Ohio Administrative Code § 4101:1-11, *et sec.*  
9

10           6. Defendant GLP CAPITAL, L.P., a Pennsylvania limited partnership, is the owner and  
11 operator, lessor and/or lessee, or agents of the owners, lessors and/or lessees, franchisor and/or  
12 franchisee, of the building and/or buildings which constitute a public facility in and of itself,  
13 occupied by HOLLYWOOD CASINO, a public accommodation, located at/near 200  
14 Georgesville Road, Columbus, Ohio, and subject to the requirements of Ohio state law requiring  
15 full and equal access to public facilities pursuant to Ohio Revised Code § 4112.02, *et seq.*, Ohio  
16 Administrative Code § 4101:1-11, *et sec.*, and subject to the Americans with Disability Act of  
17 1990 (“title III” AND “ADA”), 42. U.S.C. §§ 12181 *et seq.*, and to all other legal requirements  
18 referred to in this complaint.  
19

20           7. At all times relevant to this complaint, Defendant is the lessee, or agent of the  
21 lessee, and/or lessor, of said premises, a public facility at/near 200 Georgesville Road,  
22 Columbus, Ohio. The business is open to the general public and it conducts business therein. The  
23 business that operates on said premises is a public accommodations subject to the requirements  
24 of Ohio Revised Code § 4112.02, *et seq.* and Ohio Administrative Code § 4101:1-11, *et sec.*  
25

26           8. At all times relevant to this complaint, Defendant is the landlord/lessor, tenant/lessee  
27  
28

1 and the owner and operator of the subject facilities, public accommodations located at/near 200  
2 Georgesville Road, Columbus, Ohio. As such, Defendant is jointly and severally responsible to  
3 identify and remove architectural barriers pursuant to Code of Federal Regulations section  
4 36.201(b), which states in pertinent part:  
5

6           **§ 36.201       General**

7                           (b) Landlord and tenant responsibilities. Both the landlord  
8                           who owns the building that houses a place of public  
9                           accommodation and the tenant who owns or operates the place of  
10                          public accommodation are public accommodations subject to the  
11                          requirements of this part. As between the parties, allocation of  
12                          responsibility for complying with the obligations of this part may  
13                          be determined by lease or other contract.

14                          CFR §36.201(b)

15           **PRELIMINARY FACTUAL ALLEGATIONS:**

16                          9. Defendant is the entity that owns, leases (or leases to), or operates HOLLYWOOD  
17 CASINO, a casino facility, located at/near 200 Georgesville Road, Columbus, Ohio.  
18 HOLLYWOOD CASINO and each of its facilities are places “of public accommodation” subject  
19 to the requirements of the Americans with Disability Act of 1990 (“TITLE III” AND “ADA”),  
20 42. U.S.C. §§ 12181 *et seq.*, Ohio Revised Code § 4112.02, *et seq.*; and Ohio Administrative  
21 Code § 4101:1-11, *et sec.*

22                          10. On information and belief, said facility has undergone “construction, alterations,  
23 structural repairs and additions,” each of which has subjected HOLLYWOOD CASINO to  
24 handicapped access requirements. As the facility was constructed in or around 2012,  
25 HOLLYWOOD CASINO is subject to the mandatory requirements of the 2010 Americans with  
26 Disability Act Standards.

27                          12. NEAL is a person with a disability. NEAL is a “physically disabled person,”  
28

1 as defined by all applicable Ohio and United States laws. NEAL is a paraplegic and requires the  
2 use of a wheelchair for mobility and to travel in public.

3 13. At all times referred to herein and continuing to the present time, Defendant  
4 advertised, publicized and held out HOLLYWOOD CASINO as being handicapped accessible  
5 and handicapped usable.  
6

7 14. On or about January 30, 2020 and August 19, 2020, NEAL was an invitee and guest  
8 at the subject casino, arriving for purposes of entertainment.

9 15. Upon his arrival, during his patronizing of the public accommodations, and upon his  
10 exit of the facilities, NEAL personally encountered architectural barriers which denied him the  
11 full and equal access to the property.  
12

13 16. Therefore, at said time and place, NEAL, a person with a disability, encountered  
14 the following inaccessible elements of the subject facilities which constituted architectural  
15 barriers and a denial of the proper and legally required access to a public accommodation to  
16 persons with physical disabilities. By way of example and not as an exhaustive inventory of  
17 Defendant's violations, the following barriers to access were personally encountered by NEAL:  
18

19 ***PARKING LOT***

20 A. *In the parking lot, the walking surface is obstructed. A 36 inch minimum clear*  
21 *walking surface is required in violation of 2010 ADAS Section: 403.5.1 and 2009 ANSI*  
22 *A117.1 Section: 403.5.*

23 B. *In the parking lot, the motorcycle projects more than 4 inches into the circulation path in*  
24 *violation of 2010 ADAS Section: 307.2 and 2009 ANSI A117.1 Section: 307.2.*

25 C. *In the parking lot, the cross slope (short dimension) of the 1st access aisle exceeds 2% in*  
26 *violation of 2010 ADAS Section: 502.4 and 2009 ANSI A117.1 Section: 502.5.*

27 D. *In the parking lot, the cross slope (narrow dimension) of the 1st parking stall exceeds 2%*  
28 *in violation of 2010 ADAS Section: 502.4 and 2009 ANSI A117.1 Section: 502.5.*

1 E. *In the parking lot, the cross slope (short dimension) of the 2nd access aisle exceeds 2% in*  
2 *violation of 2010 ADAS Section: 502.4 and 2009 ANSI A117.1 Section: 502.5.*

3 F. *In the parking lot, the cross slope (narrow dimension) of the 2nd parking stall exceeds*  
4 *2% in violation of 2010 ADAS Section: 502.4 and 2009 ANSI A117.1 Section: 502.5.*

5 G. *In the parking lot, the cross slope (short dimension) of the 4th access aisle exceeds 2% in*  
6 *violation of 2010 ADAS Section: 502.4 and 2009 ANSI A117.1 Section: 502.5.*

7 H. *In the parking lot, the cross slope (narrow dimension) of the 3rd parking stall exceeds*  
8 *2% in violation of 2010 ADAS Section: 502.4 and 2009 ANSI A117.1 Section: 502.5.*

9 I. *In the parking lot, the access aisles contain abrupt edges and surface irregularities over*  
10 *a 1/4 inches.*

11 J. *In the parking lot, parked vehicles shall not reduce the required width of the accessible*  
12 *route in violation of 2010 ADAS Section: 502.7 and 2009 ANSI A117.1 Section: 502.8.*

#### 13 **ACCESSIBLE ROUTE**

14 K. *At the accessible route, the walkway contains abrupt vertical edges and/or variations*  
15 *over a 1/4 inch in violation of 2010 ADAS Section: 303.3, 303.2 and 2009 ANSI A117.1*  
16 *Section: 303.3, 303.2.*

#### 17 **GARAGE ENTRY**

18 L. *At the garage entry, the floor mats are not secured in place at the entry doors in violation*  
19 *of 2010 ADAS Section: 302.2 and 2009 ANSI A117.1 Section: 302.2.*

20 M. *At the garage entry, the door exceeds the maximum pressure to open the door in violation*  
21 *of 2010 ADAS Section: 404.2.9 and 2009 ANSI A117.1 Section: 404.2.8.*

#### 22 **CASHIERS**

23 N. *At the cashiers, compliant knee and/or toe space is not provided in violation of 2010*  
24 *ADAS Section: 306.1 and 2009 ANSI A117.1 Section: 306.1.*

25 O. *At the cashiers, accessible counters are not provided for all the different types of sales*  
26 *and service counters available in violation of 2010 ADAS Section: 227.3.*

#### 27 **FINAL CUT**

28 P. *At the Final Cut, there are no accessible dining surfaces in violation of 2010 ADAS*  
*Section: 226.1.*

- 1 Q. *At the Final Cut, compliant knee and/or toe clearance is not provided in violation of 2010*  
2 *ADAS Section: 306.2.1 and 2009 ANSI A117.1 Section: 306.2.1, 306.2.2.*
- 3 R. *At the Final Cut, the men's restroom door exceeds the maximum pressure to open the*  
4 *door in violation of 2010 ADAS Section: 404.2.9 and 2009 ANSI A117.1 Section:*  
5 *404.2.8.*
- 6 S. *At the Final Cut, the compartment stall is not compliant in violation of 2010 ADAS*  
7 *Section: 603.1 and 2009 ANSI A117.1 Section: 603.1.*
- 8 T. *At the Final Cut, the water and drain pipes under the lavatory are not adequately*  
9 *insulated in violation of 2010 ADAS Section: 606.5 and 2009 ANSI A117.1 Section:*  
10 *606.6, 1003.12.4.4.*
- 11 U. *At the Final Cut, there are no accessible bar dining surfaces in violation of 2010 ADAS*  
12 *Section: 226.1.*
- 13 V. *At the Final Cut, the top of the dining surface is not within the compliant height range in*  
14 *violation of 2010 ADAS Section: 902.3 and 2009 ANSI A117.1 Section: 902.4, 902.5.2.*
- 15 W. *At the Final Cut, the bar does not have a low seating space in violation of 2010 ADAS*  
16 *Section: 226.1.*
- 17 X. *At the Final Cut, the guest reception counter is too high in violation of 2010 ADAS*  
18 *Section: 904.4.2, 904.4.1 and 2009 ANSI A117.1 Section: 904.3.*

19 ***DRINKS BY THE FINAL CUT***

- 20 Y. *At Drinks by the the Final Cut, The fountain controls, lids and cups are too high and out*  
21 *of the maximum reach range for a side approach in violation of 2010 ADAS Section:*  
22 *308.3.1 and 2009 ANSI A117.1 Section: 308.3.1.*
- 23 Z. *At Drinks by the Final Cut, the floor mat is not secured in place at the drinks station in*  
24 *violation of 2010 ADAS Section: 302.2 and 2009 ANSI A117.1 Section: 302.2.*

25 ***SLOT MACHINES***

- 26 AA. *At the Slot Machines, the slot machines by Final Cut are too high and out of the*  
27 *maximum reach range for a side approach in violation of 2010 ADAS Section: 308.3.1*  
28 *and 2009 ANSI A117.1 Section: 308.3.1.*
- BB. *At the Slot Machines, compliant knee and/or toe clearance is not provided in*  
*violation of 2010 ADAS Section: 306.2.1 and 2009 ANSI A117.1 Section: 306.2.1,*  
*306.2.2.*

1 CC. *At the Slot Machines, the slot machines by Epic Buffet are too high and out of the*  
2 *maximum reach range for a side approach in violation of 2010 ADAS Section: 308.3.1*  
3 *and 2009 ANSI A117.1 Section: 308.3.1.*

4 DD. *At the Slot Machines, compliant knee and/or toe clearance is not provided in*  
5 *violation of 2010 ADAS Section: 306.2.1 and 2009 ANSI A117.1 Section: 306.2.1,*  
6 *306.2.2.*

7 EE. *At the Slot Machines, the outdoor slot machines are too high and out of the maximum*  
8 *reach range for a side approach in violation of 2010 ADAS Section: 308.3.1 and 2009*  
9 *ANSI A117.1 Section: 308.3.1.*

10 FF. *At the Slot Machines, the doubles slot machines are not accessible because there is not*  
11 *adequate clear floor space for either a forward or side approach in violation of 2010*  
12 *ADAS Section: 305.3 and 2009 ANSI A117.1 Section: 305.3.*

#### 13 **MENS SOUTH ENTRANCE RESTROOM**

14 GG. *At the Mens South Entrance Restroom, the toilet is not located within the range*  
15 *allowed from the side wall or partition in violation of 2010 ADAS Section: 604.2 and*  
16 *2009 ANSI A117.1 Section: 604.2.*

17 HH. *At the Mens South Entrance Restroom, the water closet compartment door is*  
18 *missing a loop handle on the inside in violation of 2010 ADAS Section: 604.8.1.2 and*  
19 *2009 ANSI A117.1 Section: 604.9.3.*

20 II. *At the Mens South Entrance Restroom, the coat hook is installed greater than 48 inches*  
21 *above the finished floor in violation of 2010 ADAS Section: 308.2.1 and 2009 ANSI*  
22 *A117.1 Section: 308.2.1.*

23 JJ. *At the Mens South Entrance Restroom, knee clearance at 27 inches off the floor is not 8*  
24 *inches minimum deep in violation of 2010 ADAS Section: 306.3.3 and 2009 ANSI A117.1*  
25 *Section: 306.3.3.*

26 KK. *At the Mens South Entrance Restroom, the compartment door is not self closing in*  
27 *violation of 2010 ADAS Section: 604.8.1.2 and 2009 ANSI A117.1 Section: 604.9.3.*

#### 28 **ZEN NOODLE**

LL. *At the Zen Noodle, the drink fountain is too high and is out of the maximum reach range*  
for a side approach in violation of 2010 ADAS Section: 308.3.1 and 2009 ANSI A117.1  
Section: 308.3.1.

MM. *At the Zen Noodle, compliant knee and/or toe clearance is not provided in*  
violation of 2010 ADAS Section: 306.2.1 and 2009 ANSI A117.1 Section: 306.2.1,  
306.2.2.

1  
2 NN. *At the Zen Noodle, there are no accessible dining surfaces in violation of 2010*  
3 *ADAS Section: 226.1.*

4 **TABLE CARD GAMES AND ROULETTE**

5 OO. *At the table card games and roulette the work surface is not within the allowable*  
6 *range in violation of 2010 ADAS Section: 902.3 and 2009 ANSI A117.1 Section: 902.4,*  
7 *902.5.2.*

8 PP. *At the table card games and roulette compliant knee and/or toe clearance is not provided*  
9 *in violation of 2010 ADAS Section: 306.2.1 and 2009 ANSI A117.1 Section: 306.2.1,*  
10 *306.2.2.*

11 QQ. *At the table card games and roulette the work surface is not within the allowable*  
12 *range in violation of 2010 ADAS Section: 902.3 and 2009 ANSI A117.1 Section: 902.4,*  
13 *902.5.2.*

14 **EPIC BUFFET**

15 RR. *At the Epic Buffet the transaction counter is too high in violation of 2010 ADAS*  
16 *Section: 904.4.2, 904.4.1 and 2009 ANSI A117.1 Section: 904.3.*

17 **GENERAL**

18 SS. *The hand sanitizer is not accessible because it is located over an obstruction greater than*  
19 *34 inches tall in violation of 2010 ADAS Section: 308.3.2 and 2009 ANSI A117.1 Section:*  
20 *308.3.2.*

21 TT. *The money machines are too high and is out of the maximum reach range for a side*  
22 *approach in violation of 2010 ADAS Section: 308.3.1 and 2009 ANSI A117.1 Section:*  
23 *308.3.1.*

24 **MENS RESTROOM SOUTHWEST OF MAIN ENTRANCE**

25 UU. *At the Men's Restroom Southwest of Main Entrance, the restroom wall sign is*  
26 *mounted too high in violation of 2010 ADAS Section: 703.4.1 and 2009 ANSI A117.1*  
27 *Section: 703.3.10.*

28 VV. *At the Men's Restroom Southwest of Main Entrance, the toilet paper in the Type B*  
stall is not installed within the compliant range in violation of 2010 ADAS Section:  
604.7.

WW. *At the Men's Restroom Southwest of Main Entrance, knee clearance at 27 inches*  
off the floor is not 8 inches minimum deep in violation of 2010 ADAS Section: 306.3.3  
and 2009 ANSI A117.1 Section: 306.3.3.

**MENS RESTROOM BY EPIC BUFFET**

XX. *At the Men's Restroom at the Epic Buffet, the coat hook is installed greater than 48 inches above the finished floor in violation of 2010 ADAS Section: 308.2.1 and 2009 ANSI A117.1 Section: 308.2.1.*

YY. *At the Men's Restroom at the Epic Buffet, knee clearance at 27 inches off the floor is not 8 inches minimum deep in violation of 2010 ADAS Section: 306.3.3 and 2009 ANSI A117.1 Section: 306.3.3.*

ZZ. *At the Men's Restroom at the Epic Buffet, a compliant room identification sign is missing on the strike side of the door in violation of 2010 ADAS Section: 216.2 and 2009 ANSI A117.1 Section: 703.1.1.*

**MENS RESTROOM BY THE EVENT CENTER**

AAA. *At the Men's Restroom by the Event Center, knee clearance at 27 inches off the floor is not 8 inches minimum deep in violation of 2010 ADAS Section: 306.3.3 and 2009 ANSI A117.1 Section: 306.3.3.*

BBB. *At the Men's Restroom by the Event Center, a compliant room identification sign is missing on the strike side of the door in violation of 2010 ADAS Section: 216.2 and 2009 ANSI A117.1 Section: 703.1.1.*

**MENS RESTROOM BETWEEN GAMING AND SMOKING**

CCC. *At the Men's Restroom between the gaming and smoking, a compliant room identification sign is missing on the strike side of the door in violation of 2010 ADAS Section: 216.2 and 2009 ANSI A117.1 Section: 703.1.1.*

DDD. *At the Men's Restroom between the gaming and smoking, knee clearance at 27 inches off the floor is not 8 inches minimum deep in violation of 2010 ADAS Section: 306.3.3 and 2009 ANSI A117.1 Section: 306.3.3.*

**DRINKS BY EVENT CENTER**

EEE. *At the drinks by the event center, the hand sanitizer is not accessible because it is located over an obstruction greater than 34 inches tall in violation of 2010 ADAS Section: 308.3.2 and 2009 ANSI A117.1 Section: 308.3.2.*

FFF. *At the drinks by the event center, the drink fountain is too high and is out of the maximum reach range for a side approach in violation of 2010 ADAS Section: 308.3.1 and 2009 ANSI A117.1 Section: 308.3.1.*

**POKER AREA**

GGG. *At the Poker Area, the transaction counter is too high in violation of 2010 ADAS Section: 904.4.2, 904.4.1 and 2009 ANSI A117.1 Section: 904.3.*

**DRINKS BY POKER AREA**

HHH. *At the drinks by the Poker area, the drink fountain is too high and is out of the maximum reach range for a side approach in violation of 2010 ADAS Section: 308.3.1 and 2009 ANSI A117.1 Section: 308.3.1.*

III. *At the drinks by the poker area, the floor mat is not secured in place at the drinks counter in violation of 2010 ADAS Section: 302.2 and 2009 ANSI A117.1 Section: 302.2.*

JJJ. *At the drinks by the poker area, the additional floor mat is not secured in place at the drinks counter in violation of 2010 ADAS Section: 302.2 and 2009 ANSI A117.1 Section: 302.2.*

**ELECTRONIC GAMING**

KKK. *At the electronic gaming area, the table top gaming work surface is not within the allowable range in violation of 2010 ADAS Section: 902.3 and 2009 ANSI A117.1 Section: 902.4, 902.5.2.*

LLL. *At the electronic gaming area, the maximum allowable reach cannot be obtained because the knee clearance is obstructed in violation of 2010 ADAS Section: 306.3.3 and 2009 ANSI A117.1 Section: 306.3.3.*

MMM. *At the electronic gaming area, the table top gaming is out of reach range because the depth of the obstruction is greater than 25 inches in violation of 2010 ADAS Section: 308.2.2 and 2009 ANSI A117.1 Section: 308.2.2.*

**HIGH LIMIT**

NNN. *At the high limit area, the work surface is not within the allowable range in violation of 2010 ADAS Section: 902.3 and 2009 ANSI A117.1 Section: 902.4, 902.5.2.*

OOO. *At the high limit area, compliant knee and/or toe clearance is not provided in violation of 2010 ADAS Section: 306.2.1 and 2009 ANSI A117.1 Section: 306.2.1, 306.2.2.*

PPP. *At the raised bar area, the ramp's slope exceeds the maximum running slope (direction of travel) allowable of 8.33% in violation of 2010 ADAS Section: 405.2 and 2009 ANSI A117.1 Section: 405.2.*

***RAISED BAR AREAS***

QQQ. *At the raised bar areas, there are no accessible dining surfaces in violation of 2010 ADAS Section: 226.1.*

RRR. *At the raised bar areas, compliant knee and/or toe clearance is not provided in violation of 2010 ADAS Section: 306.2.1 and 2009 ANSI A117.1 Section: 306.2.1, 306.2.2.*

SSS. *At the raised bar areas, the bar low seating space does not have accessible knee and toe clearance in violation of 2010 ADAS Section: 226.1.*

On personal knowledge, information and belief, other public facilities and elements too numerous to list were improperly inaccessible for use by persons with physical disabilities.

17. The discriminatory violations described in ¶ 16 are not an exclusive list of the Defendant's violations. NEAL requires the inspection of the Defendant's place of public accommodation in order to photograph and measure all of the discriminatory acts violating the Americans with Disability Act of 1990 ("title III" AND "ADA"), 42. U.S.C. §§ 12181 *et seq.*, Ohio Revised Code § 4112.02, *et seq.*; and Ohio Administrative Code §4101:1-11, *et sec.*

18. At all times stated herein, the existence of architectural barriers at Defendant's place of public accommodation evidenced "actual notice" of Defendant's intent not to comply with the Americans with Disability Act of 1990 ("title III" and "ADA"), 42. U.S.C. §§ 12181 *et seq.*, Ohio Revised Code § 4112.02, *et seq.*; and Ohio Administrative Code §4101:1-11, *et sec.* either then, now or in the future.

19. As a legal result of Defendant's failure to act as a reasonable and prudent public accommodation in identifying, removing or creating architectural barriers, policies, practices and procedures that denied access to NEAL and other persons with disabilities, NEAL suffered damages as alleged herein.

1           20. As a further legal result of the actions and failure to act of Defendant, and as a  
2 legal result of the failure to provide proper handicapped-accessible public facilities as set forth  
3 herein, NEAL was denied his civil rights to full and equal access to public facilities. NEAL  
4 suffered a loss of his civil rights and his rights as a person with physical disabilities to full and  
5 equal access to public facilities, and further suffered from personal injury, shame, humiliation,  
6 embarrassment, anger, chagrin, disappointment and worry, expectedly and naturally associated  
7 with a person with physical disabilities being denied access, all to his damages as prayed  
8 hereinafter in an amount within the jurisdiction of this court.  
9

10           21. NEAL is “physically handicapped,” “physically disabled,” or a “person with  
11 physical disabilities” who was denied his rights to equal access to a public facility by Defendant.  
12 Defendant maintained a public establishment without access for persons with physical  
13 disabilities as stated herein, and continue as of the date of filing this complaint to deny equal  
14 access to NEAL and other persons with physical disabilities in these and other ways.  
15

16           22. On information and belief, construction and/or alterations carried out by Defendant  
17 have triggered access requirements under Americans with Disability Act of 1990 (“TITLE III”  
18 AND “ADA”), 42. U.S.C. §§ 12181 *et seq.*, Ohio Revised Code § 4112.02, *et seq.*; and Ohio  
19 Administrative Code §4101:1-11, *et sec.*  
20

21           23. NEAL, as described herein below, seeks injunctive relief to require HOLLYWOOD  
22 CASINO to be made accessible to meet the requirements of both Ohio law and the Americans  
23 with Disabilities Act, whichever is more restrictive, so long as Defendant operates and/or leases  
24 HOLLYWOOD CASINO as a public facility. NEAL seeks damages for violation of his civil  
25 rights, from January 30, 2020 until such date as Defendant brings the establishment into full  
26 compliance with the requirements of Ohio and federal law.  
27

1           24. On information and belief, Defendant has been negligent in its affirmative duty  
2 to identify the architectural barriers complained of herein and negligent in the removal of some  
3 or all of said barriers.

4           25. Because of Defendant's violations, NEAL and other persons with physical  
5 disabilities are unable to use public facilities such as those owned and operated by Defendant on  
6 a "full and equal" basis unless such facilities are in compliance with the provisions of the  
7 Americans with Disabilities Act and other accessibility law as plead herein. NEAL seeks an  
8 order from this court compelling Defendant to make HOLLWOOD CASINO accessible to  
9 persons with disabilities.  
10

11           26. On information and belief, Defendant has intentionally undertaken to modify and  
12 alter existing building(s), and has failed to make them comply with accessibility requirements.  
13 The acts and omissions of Defendant in failing to provide the required accessible public facilities  
14 at the time of NEAL's visit and injuries, indicate actual and implied malice towards NEAL, and  
15 despicable conduct carried out by Defendant with a willful and conscious disregard for the rights  
16 and safety of NEAL and other similarly situated persons, and justify punitive damages pursuant  
17 to Ohio Revised Code § 2315.21, in amounts sufficient to make a more profound example of  
18 Defendant to other operators of other establishments and other public facilities, and to punish  
19 Defendant and to carry out the purposes of § 2315.21.  
20

21           27. NEAL is informed and believes and therefore alleges that Defendant caused the  
22 subject facility to be constructed, altered and maintained in such a manner that persons with  
23 physical disabilities were denied full and equal access to, within and throughout said building of  
24 Defendant and were denied full and equal use of said public facilities. Further, on information  
25 and belief, Defendant has continued to maintain and operate said facility in such conditions up to  
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1 the present time, despite actual and constructive notice to such Defendant that the configuration  
2 of the establishment and/or its building(s) is in violation of the civil rights of persons with  
3 physical disabilities, such as NEAL and the disability community. Such construction,  
4 modification, ownership, operation, maintenance and practices of such public facilities are in  
5 violation of law as stated in Americans with Disability Act of 1990 (“TITLE III” AND “ADA”),  
6 42. U.S.C. §§ 12181 *et seq.* and elsewhere in the laws of Ohio.

8 28. On information and belief, the subject public facilities and building(s) of  
9 HOLLYWOOD CASINO denied full and equal access to NEAL and other persons with physical  
10 disabilities in other respects due to noncompliance with requirements of Ohio Revised Code §  
11 4112.02, *et seq.*; and Ohio Administrative Code §4101:1-11, *et sec.*

13 29. On personal knowledge, information and belief, the basis of Defendant’s actual  
14 and constructive notice that the physical configuration of the facilities including, but not limited  
15 to, architectural barriers constituting HOLLYWOOD CASINO was in violation of the civil  
16 rights of persons with physical disabilities, such as NEAL, includes, but is not limited to,  
17 communications with invitees and guests, owners of other establishments and businesses, notices  
18 Defendant obtained from governmental agencies upon modification, improvement, or substantial  
19 repair of the subject premises and other properties owned by Defendant, newspaper articles and  
20 trade publications regarding the Americans with Disabilities Act and other access laws, public  
21 service announcements, and other similar information. Defendant’s failure, under state and  
22 federal law, to make the establishment accessible is further evidence of Defendant’s conscious  
23 disregard for the rights of NEAL and other similarly situated persons with disabilities. The scope  
24 and means of the knowledge of Defendant are within Defendant’s exclusive control and cannot  
25 be ascertained except through discovery. Despite being informed of such effect on NEAL and  
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1 other persons with physical disabilities due to the lack of accessible facilities, Defendant  
2 knowingly and willfully refused to take any steps to rectify the situation and to provide full and  
3 equal access for NEAL and other persons with physical disabilities to the establishment. Said  
4 Defendant has continued such practices, in conscious disregard for the rights of NEAL and other  
5 persons with physical disabilities, up to the date of filing of this complaint, and continuing  
6 thereon. Defendant has further actual knowledge of the architectural barriers referred to herein  
7 by virtue of the notice addressed to the Defendant, which is discussed below. Said conduct, with  
8 knowledge of the effect it was and is having on NEAL and other persons with physical  
9 disabilities, constitutes despicable conduct in conscious disregard of the rights and safety of  
10 NEAL and of other similarly situated persons, justifying the imposition of punitive damages.  
11  
12

13 30. Punitive Damages -- Defendant, at times prior to and including January 30, 2020,  
14 and continuing to the present time, knew that persons with physical disabilities were denied their  
15 rights of equal access to all portions of this public facility. Despite such knowledge, Defendant  
16 failed and refused to take steps to comply with the applicable access statutes; and despite  
17 knowledge of the resulting problems and denial of civil rights thereby suffered by NEAL and  
18 other similarly situated persons with disabilities, including the specific notice referred to in this  
19 complaint. Defendant has failed and refused to take action to grant full and equal access to  
20 persons with physical disabilities in the respects complained of hereinabove. Defendant has  
21 carried out a course of conduct of refusing to respond to, or correct complaints about, denial of  
22 handicap access and has refused to comply with its legal obligations to make HOLLYWOOD  
23 CASINO accessible pursuant to the Americans with Disabilities Act and Ohio law. Such actions  
24 and continuing course of conduct by Defendant evidence despicable conduct in conscious  
25 disregard for the rights or safety of NEAL and of other similarly situated persons, justifying an  
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1 award of punitive damages.

2 31. Defendant's actions have also been oppressive to persons with physical  
3 disabilities and of other members of the public, and have evidenced actual or implied malicious  
4 intent toward those members of the public, such as NEAL and other persons with physical  
5 disabilities who have been denied the proper access they are entitled to by law. Further,  
6 Defendant's refusals on a day-to-day basis to remove the barriers complained of herein evidence  
7 despicable conduct in conscious disregard for the rights of NEAL and other members of the  
8 public with physical disabilities.  
9

10 32. NEAL prays for an award of punitive damages against Defendant in an amount  
11 sufficient to make a more profound example of Defendant and discourage owners and operators  
12 of other establishments, and other public facilities, from willful disregard of the rights of persons  
13 with physical disabilities. Plaintiff does not know the financial worth of Defendant and seeks  
14 leave to amend this complaint when such facts are known.  
15

16 33. NEAL will return to HOLLYWOOD CASINO, because he enjoys the casino, the  
17 entertainment, the food and drinks, the location, and the atmosphere therein, if the facility is  
18 made fully accessible to a disabled person in a wheelchair, and to also avail himself of the  
19 casino's services. Furthermore, NEAL intends to return to the facility as an ADA tester to  
20 ascertain whether Defendant removed the barriers to access which are the subject of this  
21 litigation.  
22

## 23 **CLASS ALLEGATIONS**

24 34. Plaintiff SPENCER NEAL brings this action on behalf of himself and all persons  
25 similarly situated and seeks class certification pursuant to Federal Rule of Civil Procedure 23 as  
26 set forth below.  
27

1           35. **Class Definitions.** The two classes that Plaintiff seeks to represent are comprised of  
2 the following. The first class of persons seeks statutory damages under Ohio Revised Code  
3 Chapter 4112, *et seq.*, and is defined as follows: **All persons with mobility disabilities who use**  
4 **wheelchairs, scooters or other mobility aids who have utilized or attempted to utilize any**  
5 **form of gaming, entertainment, service, or amenity at HOLLYWOOD CASINO and who**  
6 **have been denied equal access to the casino's facilities, services, amenities, and privileges**  
7 **since January 30, 2020 through the conclusion of this action.**

8  
9           36. The second class of persons seeks declaratory and injunctive relief, and is defined as  
10 follows: **All persons with mobility disabilities who use wheelchairs, scooters or other**  
11 **mobility aids who will attempt to utilize the amenities at HOLLYWOOD CASINO and**  
12 **who will be denied equal access to the facilities, services, amenities, and privileges since**  
13 **January 30, 2020 through the conclusion of this action.**

14  
15           37. Excluded from the above-referenced class definitions are the officers, directors, and  
16 employees of Defendant, and any of Defendant's shareholders or other persons who hold a  
17 financial interest in Defendant. Also excluded is any judge assigned to hear this case (or any  
18 spouse or family member of any assigned judge), or any juror selected to hear this case.

19  
20           38. This action is brought as a class action and may properly be so maintained pursuant to  
21 Federal Rule of Civil Procedure 23 and applicable case law. In addition to declaratory and  
22 injunctive relief, this action seeks classwide damages pursuant to Ohio Revised Code Chapter  
23 4112 in the amount of \$4,000 per violation per occurrence based on Defendant's wrongful policy  
24 and practice of failing to provide full and equal access to the casino as alleged herein. This  
25 action does not seek class recovery for actual damages, personal injuries or emotional distress  
26 that may have been caused by Defendant's conduct alleged herein. The named Plaintiff seeks  
27

1 compensatory damages for himself individually.

2       **39. Impracticability of Joinder (Numerosity of the Class).** The members of the  
3 proposed classes are so numerous that joinder of all such persons is impracticable and the  
4 disposition of their claims in a class action is a benefit both to the parties and to this Court. On  
5 information and belief, the number of persons in this case exceeds 1,000 persons. The number of  
6 persons in the class and their identities and contact information may be ascertained from  
7 Defendant's records.  
8

9       **40. Questions of Fact and Law Common to the Class.** All members of the classes have  
10 been and continue to be denied their civil rights to full and equal access to, and use and  
11 enjoyment of, the services and facilities operated by the Defendant because of the violations of  
12 disability nondiscrimination laws alleged herein. There are numerous questions of law and fact  
13 common to the class, including, but not limited to, the following:  
14

- 15       a. Whether Defendant GLP CAPITAL, L.P. is the owner, operator or lessor of a  
16       public accommodation within the meaning of Title III of the ADA;
- 17       b. Whether Defendant's establishment is a place of public accommodations within  
18       the meaning of Chapter 4112 of the Ohio Revised Code.
- 19       c. Whether Defendant constructed HOLLYWOOD CASINO and its related facilities  
20       after March 15, 2012;
- 21       d. Whether HOLLYWOOD CASINO's facility complies with the 2010 ADA  
22       Standards for Accessible Design;
- 23       e. Whether HOLLYWOOD CASINO's facility complies with Ohio Building Code  
24       and 2009 ANSI A117.1 as it pertains to disability access;
- 25       f. Whether Defendant is violating Ohio Revised Code Chapter 4112, et seq., by  
26  
27  
28

1 failing to provide full and equal access to people with mobility disabilities;

2 g. Whether Defendant is violating the Americans with Disabilities Act, Title III, et  
3 seq., by failing to provide full and equal access to people with mobility  
4 disabilities;

5  
6 h. Whether Defendant, by its actions and omissions alleged herein, has engaged in a  
7 pattern and practice of discriminating against Plaintiff and other persons with  
8 mobility disabilities in violation of applicable state and federal disability civil  
9 rights laws;

10  
11 i. Whether the Plaintiff and the members of the putative classes are entitled to  
12 damages, and the nature of such damages; and,

13 j. Whether the Plaintiff and the members of the putative classes are entitled to  
14 declaratory and/or injunctive relief, and the nature of such relief.

15 41. **Typicality.** The claims of the named Plaintiff is typical of those of the class.

16 Plaintiff's claims are typical of the claims of the proposed class in the following ways: 1)  
17 Plaintiff is a member of the proposed class; 2) Plaintiff's claims arise from the same physical  
18 barriers, procedures, practices and course of conduct on the part of Defendant; 3) Plaintiff's  
19 claims are based on the same legal and remedial theories as those of the proposed class and  
20 involve similar factual circumstances; 4) the injuries suffered by the named Plaintiff is similar to  
21 the injuries suffered by the proposed class members; and 5) the relief sought herein will benefit  
22 the named Plaintiff and all class members alike. The claims of Plaintiff are typical of those of the  
23 proposed class of persons with mobility disabilities.

24  
25  
26 42. **Adequacy.** The named Plaintiff will fairly and adequately represent the interests of  
27 the respective classes. The named Plaintiff has no interests adverse to the interests of other  
28

1 members of the proposed classes, and has retained counsel who is competent and experienced in  
2 litigating complex class actions, including large-scale disability rights class action cases.

3       **43. Predominance.** With respect to Plaintiff's claims under the ADA and Ohio Revised  
4 Code Chapter 4112, et seq., class certification is appropriate under Federal Rule of Civil  
5 Procedure 23(b)(3) because questions of law or fact common to the class members predominate  
6 over any questions affecting only individual members of the proposed classes.  
7

8       **44. Superiority.** A class action is superior to other methods for the fair and efficient  
9 adjudication of this controversy because, inter alia: 1) individual claims by the class members  
10 would be impracticable because the costs of pursuit of such claims would far exceed what any  
11 individual class member has at stake; 2) relatively little individual litigation has been  
12 commenced over the controversies alleged in this Complaint and individual class members are  
13 unlikely to have an interest in separately prosecuting and controlling individual actions; 3) the  
14 concentration of litigation of these claims in one forum will achieve efficiency and promote  
15 judicial economy; 4) the proposed class is manageable, and no difficulties are likely to be  
16 encountered in the management of this class action that would preclude its maintenance as a  
17 class action; 5) the proposed class members are readily identifiable from Defendant's own  
18 records; and 6) prosecution of separate actions by individual members of the proposed class  
19 would create the risk of inconsistent or varying adjudications with respect to individual members  
20 of the proposed class that would establish incompatible standards of conduct for Defendant.  
21  
22  
23

24       **45. The Class Meets the Requirements of Federal Rule of Civil Procedure 23(b)(2).**  
25 Defendant has acted and refused to act on grounds generally applicable to the class, making the  
26 declaratory and injunctive relief sought on behalf of the class as a whole appropriate.  
27

28       **46.** Without a class action, Defendant will likely retain the benefit of their wrongdoing

1 and will continue in their illegal course of conduct which will result in further damages and  
2 injuries to the Plaintiffs and the proposed classes.

3 **I. FIRST CAUSE OF ACTION FOR DENIAL OF ACCESS BY A PUBLIC**  
4 **ACCOMMODATION IN VIOLATION OF THE AMERICANS WITH**  
5 **DISABILITIES ACT OF 1990 (42 U.S.C. §12101, *et seq.*)**

6 47. NEAL pleads and incorporate by reference, as if fully set forth again herein,  
7 the allegations contained in paragraphs 1 through 46 of this complaint.

8 48. Pursuant to law, in 1990, the United States Congress made findings per 42 U.S.C.  
9 §12101 regarding persons with physical disabilities, finding that laws were needed to more fully  
10 protect:  
11

12 some 43 million Americans with one or more physical or mental  
13 disabilities; [that] historically society has tended to isolate and  
14 segregate individuals with disabilities; [that] such forms of  
15 discrimination against individuals with disabilities continue to be a  
16 serious and pervasive social problem; [that] the nation's proper  
17 goals regarding individuals with disabilities are to assure equality  
18 of opportunity, full participation, independent living and economic  
19 self-sufficiency for such individuals; [and that] the continuing  
20 existence of unfair and unnecessary discrimination and prejudice  
21 denies people with disabilities the opportunity to compete on an  
22 equal basis and to pursue those opportunities for which our free  
23 society is justifiably famous.

24 49. Congress stated as its purpose in passing the Americans with Disabilities Act of  
25 1990 (42 U.S.C. §12102):

26 It is the purpose of this act (1) to provide a clear and  
27 comprehensive national mandate for the elimination of  
28 discrimination against individuals with disabilities; (2) to provide  
clear, strong, consistent, enforceable standards addressing  
discrimination against individuals with disabilities; (3) to ensure  
that the Federal government plays a central role in enforcing the  
standards established in this act on behalf of individuals with  
disabilities; and (4) to invoke the sweep of Congressional  
authority, including the power to enforce the 14th Amendment and  
to regulate commerce, in order to address the major areas of  
discrimination faced day to day by people with disabilities.

1  
2 50. As part of the Americans with Disabilities Act of 1990, (hereinafter the “ADA”),  
3 Congress passed “Title III - Public Accommodations and Services Operated by Private Entities”  
4 (Section 301 42 U.S.C. §12181, *et seq.*). Among the public accommodations identified for  
5 purposes of this title was:

6 (7) PUBLIC ACCOMMODATION - The following private  
7 entities are considered public accommodations for purposes of this  
8 title, if the operations of such entities affect commerce -

9 (B) an entertainment facility, bar, or other establishment serving food or drink;

10 42 U.S.C. §12181(7)(B).

11 51. Pursuant to §302, 42 U.S.C. §12182, “No individual shall be discriminated  
12 against on the basis of disability in the full and equal enjoyment of the goods, services, facilities,  
13 privileges, advantages, or accommodations of any place of public accommodation by any person  
14 who owns, leases, or leases to, or operates a place of public accommodation.”  
15

16 52. The specific prohibitions against discrimination set forth in §302(b)(2)(a),  
17 42 U.S.C. §12182(b)(2)(a) are:

18 (i) the imposition or application of eligibility criteria  
19 that screen out or tend to screen out an individual with a disability  
20 or any class of individuals with disabilities from fully and equally  
21 enjoying any goods, services, facilities, privileges, advantages, or  
22 accommodations, unless such criteria can be shown to be  
23 necessary for the provision of the goods, services, facilities,  
24 privileges, advantages, or accommodations being offered;

25 (ii) a failure to make reasonable modifications in  
26 policies, practices, or procedures, when such modifications are  
27 necessary to afford such goods, services, facilities, privileges,  
28 advantages or accommodations to individuals with disabilities,  
unless the entity can demonstrate that making such modifications  
would fundamentally alter the nature of such goods, services,  
facilities, privileges, advantages, or accommodations;

(iii) a failure to take such steps as may be necessary to

1 ensure that no individual with a disability is excluded, denied  
2 services, segregated or otherwise treated differently than other  
3 individuals because of the absence of auxiliary aids and services,  
4 unless the entity can demonstrate that taking such steps would  
5 fundamentally alter the nature of the good, service, facility,  
6 privilege, advantage, or accommodation being offered or would  
7 result in an undue burden;

8 (iv) a failure to remove architectural barriers, and  
9 communication barriers that are structural in nature, in existing  
10 facilities . . . where such removal is readily achievable; and

11 (v) where an entity can demonstrate that the removal of  
12 a barrier under clause (iv) is not readily achievable, a failure to  
13 make such goods, services, facilities, privileges, advantages or  
14 accommodations available through alternative methods if such  
15 methods are readily achievable.

16 The acts of Defendant set forth herein were in violation of NEAL's rights under the ADA, 42.

17 U.S.C. §§ 12181 *et seq.*; Ohio Revised Code § 4112.02, *et seq.*; and Ohio Administrative Code §  
18 4101:1-11, *et sec.*, making available damage remedies.

19 53. The removal of the barriers complained of by NEAL as hereinabove alleged  
20 was at all times after January 26, 1992, making compliance with the ADA mandatory.

21 Construction work on, and modifications of, the subject building(s) of HOLLYWOOD CASINO  
22 occurred after the compliance date for the Americans with Disabilities Act, January 26, 1992,  
23 independently triggering access requirements under Title III of the ADA.

24 54. Pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §12188, *et*  
25 *seq.*, §308, NEAL is entitled to the remedies and procedures set forth in §204(a) of the Civil  
26 Rights Act of 1964, 42 U.S.C. 2000(a)-3(a), as plaintiff is being subjected to discrimination on  
27 the basis of disability in violation of this title or have reasonable grounds for believing that  
28 he is about to be subjected to discrimination in violation of §302. NEAL cannot return to or  
make use of the public facilities complained of herein so long as the premises and Defendant's

1 policies bar full and equal use by persons with physical disabilities.

2 55. Per §308(a)(1) (42 U.S.C. 12188), “Nothing in this section shall require a person  
3 with a disability to engage in a futile gesture if such person has actual notice that a person or  
4 organization covered by this title does not intend to comply with its provisions.” Pursuant to this  
5 last section, NEAL has not returned to Defendant’s premises since on or about August 19, 2020,  
6 but on information and belief, alleges that Defendant has continued to violate the law and deny  
7 the rights of plaintiff and of other persons with physical disabilities to access this public  
8 accommodation. Pursuant to §308(a)(2), “In cases of violations of §302(b)(2)(A)(iv) . . .  
9 injunctive relief shall include an order to alter facilities to make such facilities readily accessible  
10 to and usable by individuals with disabilities to the extent required by this title.”  
11

12 56. NEAL seeks relief pursuant to remedies set forth in §204(a) of the Civil  
13 Rights Act of 1964 (42 U.S.C. 2000(a)-3(a)), and pursuant to federal regulations adopted to  
14 implement the Americans with Disabilities Act of 1990, including but not limited to an order  
15 granting injunctive relief and attorneys’ fees. NEAL will seek attorneys’ fees conditioned upon  
16 being deemed to be the prevailing party.  
17

18 57. NEAL seeks damages pursuant to Ohio Revised Code § 4112.02, *et seq.* and Ohio  
19 Administrative Code § 4101:1-11, *et sec.*, which provide, within the statutory scheme, that a  
20 violation of the ADA and/or Ohio’s accessibility standards is a violation of Ohio law.  
21

22 Wherefore, plaintiff prays for relief and damages as hereinafter stated.  
23

24 **II. SECOND CAUSE OF ACTION FOR DENIAL OF FULL AND EQUAL ACCESS**  
25 **IN VIOLATION OF OHIO REVISED CODE § 4112.02, *et seq.***

26 58. Plaintiff repleads and incorporates by reference as if fully set forth again herein,  
27 the allegations contained in paragraphs 1 through 57 of this complaint.

28 59. At all times relevant to this action, Ohio Revised Code § 4112.0254 has provided  
COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES - 25

1 that persons with physical disabilities are not to be discriminated against because of physical  
2 handicap or disability. This section provides that:

3           It shall be an unlawful discriminatory practice:

4           (G)   For any proprietor or any employee, keeper, or manager of a place of  
5               public accommodation to deny to any person, except for reasons  
6               applicable alike to all persons regardless of race, color, religion, sex,  
7               military status, national origin, disability, age, or ancestry, the full  
8               enjoyment of the accommodations, advantages, facilities, or privileges of  
             the place of public accommodation.

9           60.   HOLLYWOOD CASINO is a place of public accommodation pursuant to Ohio  
10       Revised Code § 4112.01(A).

11          61.   Defendant committed an unlawful act pursuant to Ohio Revised Code  
12       § 4112.02(G) by denying NEAL the full enjoyment of its accommodations, advantages,  
13       facilities, or privileges, whereas, NEAL had great difficulty due to extensive barriers for patrons  
14       confined to wheelchairs.

15          62.   Pursuant to Ohio Revised Code § 4112.99, NEAL is entitled to compensatory  
16       and punitive damages, and attorney fees and costs, in an amount to be determined at trial, but in  
17       any event not less than \$25,000.00, as well as issuance of an injunction requiring defendant to  
18       allow full and equal enjoyment of its goods, services, facilities, privileges, and advantages to  
19       disabled persons.

20          63.   A separate act in violation of Ohio Revised Code § 4112.02(G) has been  
21       committed each day that Defendant acted or failed to act and/or knowingly and willfully failed  
22       and refused to remove each architectural barrier or policy and procedure barrier presently  
23       existing at the subject public accommodation which denies full and equal access for persons with  
24       physical disabilities to said building(s), elements and facilities of HOLLYWOOD CASINO.

25       NEAL has been denied full and equal access on an ongoing basis since the date of his first visit.  
26       COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES - 26  
27  
28

1 As a legal result, NEAL is entitled to seek appropriate relief, such as damages, pursuant to Ohio  
2 Revised Code § 4112.99.

3 64. On January 30, 2020 and August 19, 2020, NEAL suffered violations of Ohio  
4 Revised Code § 4112.02(G) in that NEAL was denied access to the facilities as stated herein and  
5 on the basis that NEAL was a person with physical disabilities.  
6

7 65. As a result of the denial of equal access to Defendant's facility due to the acts  
8 and omissions of Defendant in owning, operating and maintaining these subject public facilities,  
9 NEAL suffered violations of his civil rights, as well as suffering from personal injury, shame,  
10 humiliation, embarrassment, frustration, anger, chagrin, disappointment and worry, all of which  
11 are expectedly and naturally associated with a denial of access to a person with physical  
12 disabilities, all to plaintiff's damages as hereinafter stated.  
13

14 66. NEAL has been damaged by Defendant's wrongful conduct and seeks the  
15 relief that is afforded by Ohio Revised Code § 4112 for violation of his rights as a person,  
16 including statutory damages according to proof.  
17

18 67. As a result of Defendant's acts and omissions in this regard, NEAL has been  
19 required to incur legal expenses and hire attorneys in order to enforce his rights and  
20 enforce the provisions of the law protecting access for persons with physical disabilities and  
21 prohibiting discrimination against persons with physical disabilities. Pursuant to the provisions  
22 of Ohio Revised Code § 4112, NEAL therefore will seek recovery in this lawsuit for all  
23 reasonable attorneys' fees and costs incurred if deemed the prevailing party.  
24

25 Wherefore, plaintiff prays for relief and damages as hereinafter stated.

26 **III. THIRD CAUSE OF ACTION FOR DENIAL OF FULL AND EQUAL ACCESS**  
27 **IN VIOLATION OF OHIO ADMINISTRATIVE CODE § 4101:1-11, *et seq.***

28 68. NEAL repleads and incorporates by reference as if fully set forth again herein, the  
COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES - 27

1 allegations contained in paragraphs 1 through 67 of this complaint.

2         69. Ohio Administrative Code (hereinafter “O.A.C.”) § 4101:1-11 controls the design  
3 and construction of facilities for accessibility for individuals with disabilities.

4         70. Sites, buildings, structures, facilities, elements and spaces, temporary or  
5 permanent, shall be accessible to individuals with disabilities. O.A.C. § 1103.1.

6         71. HOLLYWOOD CASINO, being a site, building, structure, facility, element or  
7 space, committed an unlawful act pursuant to O.A.C. §§ 1104.1 and 1109.1 by failing to make  
8 accessible its spaces as identified above.

9         72. Defendant’s violations denied NEAL full enjoyment of its accommodations,  
10 advantages, facilities, or privileges, whereas, NEAL had difficulty entering the property due to  
11 extensive barriers for patrons confined to wheelchairs on the accessible route.

12         73. As a result of these violations, NEAL is entitled to compensatory and punitive  
13 damages, and attorney fees and costs, in an amount to be determined at trial, but in any event  
14 not less than \$25,000.00, as well as issuance of an injunction requiring Defendant to allow full  
15 and equal enjoyment of its goods, services, facilities, privileges, and advantages to disabled  
16 persons.

17         74. A separate act in violation of Ohio Administrative Code § 4101:1-11, *et seq.* has  
18 been committed each day that Defendant acted or failed to act and/or knowingly and willfully  
19 failed and refused to make accessible its site for physically disabled persons presently existing at  
20 the subject facilities. NEAL has been denied full and equal access on an ongoing basis since the  
21 date of his first visit. As a legal result, NEAL is entitled to seek appropriate relief, such as  
22 damages.

23         75. As a result of Defendant’s accessibility violations, NEAL suffered violations of  
24  
25  
26  
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28

1 his civil rights, as well as suffering from personal injury, shame, humiliation, embarrassment,  
2 frustration, anger, chagrin, disappointment and worry, all of which are expectedly and naturally  
3 associated with a denial of access to a person with physical disabilities, all to plaintiff's damages  
4 as hereinafter stated.

5  
6 76. NEAL has been damaged by Defendant's wrongful conduct and seeks relief  
7 for violation of the O.A.C., including actual and special damages according to proof.

8 77. As a result of Defendant's acts and omissions in this regard, NEAL has been  
9 required to incur legal expenses and hire attorneys in order to enforce plaintiff's rights and  
10 enforce the provisions of the law protecting access for persons with physical disabilities and  
11 prohibiting discrimination against persons with physical disabilities. NEAL therefore will seek  
12 recovery in this lawsuit for all reasonable attorneys' fees and costs incurred if deemed the  
13 prevailing party.  
14

15 Wherefore, Plaintiff SPENCER NEAL prays for relief and damages as hereinafter stated.

16 **O.R.C. 4112.16 NOTICE OF VIOLATION OF ACCESSIBILITY LAW**  
17

18 78. Pursuant to O.R.C. 4112.16 Notice of Violation of Accessibility Law, prior to  
19 filing a civil action alleging violation of State of Ohio accessibility law, the alleged aggrieved  
20 party may notify the owner, agent, or other responsible party, by personal service or by certified  
21 mail, of alleged accessibility law violations.  
22

23 79. On October 7, 2020, Plaintiff served upon Defendant GLP CAPITAL, L.P.'s  
24 statutory agent a Notice of Violation of Accessibility Law pursuant to O.R.C. 4112.16.

25 80. Defendant GLP CAPITAL, L.P.'s statutory response deadline in which to serve  
26 Plaintiff with its response was October 29, 2020.

27 81. Defendant GLP CAPITAL, L.P. failed to serve a response upon Plaintiff or his  
28

1 counsel within 15 business days of receiving the O.R.C. 4112.16 Notice.

2 82. Due to Defendant's failure to respond in accordance with the statute, Plaintiff  
3 may commence his lawsuit for violations of State of Ohio accessibility laws.  
4

5 83. Due to Defendant's failure to respond in accordance with the statute, Plaintiff, if  
6 deemed the prevailing party, shall recover reasonable attorney's fees, in addition to any other  
7 remedies available to the plaintiff.

8 Wherefore, Plaintiff SPENCER NEAL prays for relief and damages as hereinafter  
9 stated.  
10

11 **PRAYER:**

12 Wherefore, NEAL prays that this court grant relief and damages as follows:

13 **I. PRAYER FOR FIRST CAUSE OF ACTION FOR DENIAL OF ACCESS BY A**  
14 **PUBLIC ACCOMMODATION IN VIOLATION OF THE AMERICANS WITH**  
15 **DISABILITIES ACT OF 1990 (42 U.S.C. §1 2101, et seq.)**

16 1. For injunctive relief, compelling Defendant to make HOLLYWOOD  
17 CASINO readily accessible to and usable by individuals with disabilities; and to make  
18 reasonable modifications in policies, practice, eligibility criteria and procedures so as to afford  
19 full access to the goods, services, facilities, privileges, advantages and accommodations being  
20 offered.

21 2. For attorneys' fees, litigation expenses and costs of suit, if NEAL is deemed  
22 the prevailing party; and  
23

24 3. For such other and further relief as the court may deem proper.

25 **II. PRAYER FOR SECOND CAUSE OF ACTION FOR DENIAL OF FULL AND**  
26 **EQUAL ACCESS IN VIOLATION OF OHIO REVISED CODE § 4112.02, et**  
27 **seq.**

28 4. For injunctive relief, compelling Defendant to make HOLLYWOOD CASINO

1 readily accessible to and usable by individuals with disabilities, per state law.

2 5. General and compensatory damages according to proof;

3 6. All damages for each day, from the inception of the filing of this complaint, on  
4 which Defendant have failed to remove barriers which denied NEAL and other persons  
5 with disabilities full and equal access.  
6

7 7. Attorneys' fees pursuant to Ohio Revised Code § 4112.99, if NEAL is  
8 deemed the prevailing party;

9 8. Punitive damages, pursuant to Ohio Revised Code § 2315.21;

10 9. For all costs of suit;

11 10. Prejudgment interest pursuant to Ohio Revised Code 1343.03(A);

12 11. Such other and further relief as the court may deem just and proper.  
13

14 **III. PRAYER FOR THIRD CAUSE OF ACTION FOR DENIAL OF FULL AND**  
15 **EQUAL ACCESS IN VIOLATION OF OHIO ADMINISTRATIVE CODE §**  
16 **4101:1-11, *et seq.***

17 12. For injunctive relief, compelling Defendant to make HOLLYWOOD CASINO  
18 readily accessible to and usable by individuals with disabilities, per state law.

19 13. General and compensatory damages according to proof;

20 14. All damages for each day, from the inception of the filing of this complaint, on  
21 which Defendant have failed to remove barriers which denied NEAL and other persons  
22 with disabilities full and equal access.  
23

24 15. Attorneys' fees pursuant to Ohio Revised Code § 4112.99, if NEAL is  
25 deemed the prevailing party;

26 16. Punitive damages, pursuant to Ohio Revised Code § 2315.21;

27 17. For all costs of suit;  
28

1           18.     Prejudgment interest pursuant to Ohio Revised Code 1343.03(A);

2           19.     Such other and further relief as the court may deem just and proper.

3  
4                               Respectfully submitted,

5                               BLAKEMORE, MEEKER & BOWLER CO., L.P.A.

6                               /s/ COLIN G. MEEKER

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